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09/966,004

REMARKS

The rejection of claims 1-6, 8-18, 15-20, and 22-30 under 35 U.S.C. 103(a) as being unpatentable over Song et al. (US5,849,999) is respectfully traversed. It is submitted that while Song may disclose some of the elements of the present invention, it does not disclose all of the elements of the present invention. Also with respect to the elements that Song does disclose, the Examiner has proposed a combination of such elements which is not suggested in the Song reference. The proposed combination could only be made in the light of Applicants' own teaching. This is not an appropriate basis for an obviousness rejection under 35 U.S.C 103.

The present invention provides an implementation for simultaneously monitoring of the progress of product development distributed between a plurality of developmental lines in the development of complex computer software products so that the data relative to each line is readily available and communicated to the developers working on the other lines. Accordingly, the claims of the present invention cover the combination, in tracking the development of software products, of setting up and simultaneously displaying a sequence of checkpoints in each of a plurality of developmental lines, determining which checkpoints have been reached in each developmental line and then indicating the reached checkpoints on the simultaneously displayed developmental lines.

While Song is concerned with software development and may permit user access to what may be considered developmental lines, Song does not appear to be concerned with a collective or simultaneous display of a plurality of developmental lines each with indicated reached checkpoints. Song is primarily concerned with software documentation i.e.

AUS920010767US1

2

PATENT
09/966,304

that the documentation at each stage meets the development process requirements for that stage.

Please consider typical claim 1 in this connection:

1. A computer controlled display system for tracking the development of complex software products having a plurality of developmental lines comprising:
means for setting in each of said plurality of developmental lines, a sequence of checkpoints;
means for tracking each of said developmental lines to determine the reached checkpoints; and
means for simultaneously displaying said plurality of developmental lines and indicating said reached checkpoints.

Song does not suggest setting in each of a plurality of developmental lines a sequence of checkpoints. The Examiner points to col 3, lines 57 and 58. This a very vague citation. It deals with a procedure for producing software documents for a software development and testing process. There is some very general statement about defining procedures and documents required during the project execution. It is submitted that such a vague and general statement does not suggest the claimed element: "setting in each of said plurality of developmental lines, a sequence of checkpoints"

The Examiner also cites Fig. 3 in Song for this teaching. Fig. 3 has a very general description of a progress panel showing the status of documentation of the individual functions required to be documented at each of several stages in the development of a single component. It is submitted that one skilled in the art would not consider such a disclosure suggestive of setting in each of a plurality of developmental lines, a sequence of checkpoints. At best, Song arguably suggests a single

AUS920010767US1

3

PATENT
09/966,004

developmental line of checkpoints with no suggestion of the setting of check points in each of a plurality of developmental lines. It is submitted that indicating the existence of documentation for a given function at a given phase in the development single component is not "simultaneously displaying said plurality of developmental lines and indicating said reached checkpoints".

In this connection, the Examiner cites Fig. 2 in Song as illustrative of a sequence of checkpoints from left to right. Applicants have reviewed Fig. 2, and it is unclear what specifically the Examiner is referring to. If it is the line: "Requirement.....Design.....All", Applicants submit that this single component line in Song does not suggest a simultaneous display of a plurality of developmental lines with indications of what checkpoints have been reached.

For a suggestion of the simultaneous display of developmental lines, the Examiner makes a vague reference to "software as the Microsoft Project, etc..". It is unclear to Applicants what the Examiner is citing as no reference on this has been cited in this prosecution.

It is submitted that in his reading of the Song reference with respect to the present invention, the Examiner has picked and chosen and combined elements from Song not in the light of teachings from Song but in the light of Applicants' own teaching. Thus, it is submitted that Examiner's proposed combination of elements and missing elements in Song is being made not with the requisite foresight of one skilled in the art, but rather with the hindsight obtained solely by the teaching of the present invention. This approach cannot be used to render Applicants' invention unpatentable.

AUS920010767JS1

4

PATENT
09/966,004

"To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art references of record convey nor suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." W. L. Gore, 721 F 2d at 1553, 220 USPQ, pp. 312-313.

"One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In re Fine, 5 USPQ 2d 1596 (C.A.F.C.) 1988.

Dependent claims 6, 13, and 20 are submitted to be patentable over Song for all of the reasons set forth above for the claims from which they depend. In addition, these claims set forth an implementation that when modifying the actions required of checkpoints, the modification may include switching of the actions to other of said plurality of developmental lines. The Examiner concedes that Song does not disclose this but cites col. 3, lines 60-65 for a suggestion of such switching. All this section suggests is that alternate processes may be used for a step in the development of a single component. It is submitted that the disclosure of an alternate process for a step in a displayed line in the development of a single component is not suggestive of switching actions from one development line to another in the simultaneous display of a plurality of developmental lines. The reason such switching in the present invention may be interactively easily done is that all of the plurality of lines are simultaneously displayed. In Song, e.g. Fig. 3, each of the development are individually displayed with a description devoid of any suggestion that attributes or actions may be switched to other unseen developmental lines.

AUS920010767US1

5

PATENT
09/966,004

The rejection of claims 7, 14, 21, and 31 as obvious over Song et al. in view of Hopwood et al. (US6,223,343) under 35 U.S.C. 103(a) is also respectfully traversed.

Claims 7, 14, 21, and 31 are submitted to be patentable over Song for all of the reasons set forth above for the claims from which they depend. In addition, these claims set forth an implementation that the means for tracking are remote from the display on which the plurality of product lines are displayed and the tracking means communicate the tracked data to the display system where the tracked data is stored. Since Song does not disclose this, the Examiner goes to a combination with Hopwood. In the data tracking and management system of Hopwood, even if the data tracking could arguably be said to be remote from the display on which the data is shown, there appears to be no suggestion that the tracked data is stored in association with this display. In Hopwood, the data tracked remotely from the display appears to also be stored remotely from the display.

Accordingly, it is submitted that Song even when combined with Hopwood still does not suggest the invention defined in claims 7, 14, 21, and 31.

In view of the foregoing, claims 1-31 are submitted to be in condition for allowance and such allowance is respectfully requested.

J.B. Kraft 09/06/06
J. B. Kraft

Attorney for Applicants
Registration No. 19,226
(512) 473-2303

PLEASE MAIL ALL CORRESPONDENCE TO:

Jeffrey S. LaBaw
IPLaw Dept. - IMAD 4054
IBM Corporation
11400 Burnet Road
Austin, Texas 78758

AUS920010767US1

6